AL.1.422

VOL. 1 NO. 4

SEPTEMBER 15, 1985

CANADIANA
OCT 23 1985

CHILD WELFARE IN PROGRESS
Newsletter

VARIED BACKGROUNDS GIVE BALANCE TO CHILD WELFARE APPEAL PANEL

Seven members of the public have been appointed to the Child Welfare Appeal Panel established to hear appeals into certain decisions made by child welfare staff under the new Act.

Shirley Balderson of Edmonton, Lee Hunt of Endiang, Bill Jackson of Sherwood Park, Adelle Reimer of Calgary, Dr. Joseph Storcer of Grande Prairie, and Elaine Wiedemann of Medicine Hat were appointed by the Minister of Social Services and Community Health for three-year terms. One more member is yet to be named.

The individuals selected for the Appeal Panel have an interest in child welfare, but come from varied backgrounds to make it a balanced committee, according to Mickey Casavant, director of the Appeals and Advisory Secretariat.

"The Minister chose people whose involvement in the community has proven them to be credible and who are recognized as having good judgement," he said.

"The Appeal Panel was established to ensure that individuals affected by certain decisions made by the department have an opportunity to bring their concerns before their peers," the director said.

Neutrality and objectivity in hearing the grievances of clients in the system was also one of the objectives cited by Dennis Maier, the CWIP manager responsible for the Appeal Panel. This commitment is reinforced by the fact that panel members are appointed from the community at large.

An internal administrative review procedure has also been established and clients have the option of taking this less-formal route to address their concerns. They can still go to the Appeal Panel if they are not satisfied, or they can go directly to the Appeal Panel in the first instance.

A notice of appeal must be presented to a child welfare worker within 30 days of the decision that is being appealed.

Decisions that can be appealed include removal or placement of a child, certain visiting rights, release of information, support services for children 16 or over, agreements or court orders for children believed to be in need of protective services, services agreements for handicapped children, and refusal of applications to adopt or to become a foster parent.

These decisions may be appealed by the child involved, the child's guardian or parent, the foster parent or someone who has cared for the child involved for more than six months.

The Appeal Panel provides the opportunity for people who come into contact with the child welfare program to appeal decisions which do not come under the jurisdiction of a court of law. Decisions made by the Minister, the Children's Guardian or a Court cannot be appealed to the Appeal Panel, but orders made through Court are subject to appeal through the court system.

"This completes the continuum of appeals available," Maier said. "Any individual who potentially loses some rights through government action should have recourse to have those decisions reviewed."

Decisions made by the Appeal Panel are final, which differs from the Child Welfare Commission under the old Act, he pointed out.

In order to ensure that the panel operates fairly, it is subject to the Administrative Procedures Act. This means adequate notice of hearings must

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REGULATIONS TO ACT — CONSULTATION SIGNIFICANT

The first regulations to the Child Welfare Act are now in place following a development and consultation process that commenced last fall.

"It is the first time we have ever had child welfare regulations in the province," commented Don Alexander, the Child Welfare Implementation Project manager responsible for the identification and development of the initial regulations.

Section 96 of the Act identifies those matters that may be regulated, but there was not enough time to develop regulations for all of the areas prior to implementation of the Act.

"The plan last fall was to identify those matters where regulations were essential for proper implementation of the new Act and for the other matters to be explored more fully in the fall of 1985," Alexander explained.

The regulations developed under the jurisdiction of the Lieutenant Governor in Council prescribe the rules to be followed in proceedings before the Court, the forms to be used in applications made to the Court and the qualifications required to complete reports for private guardianship orders.

Regulations under the jurisdiction of the Minister prescribe other forms to be used under the Act, those institutions to be secure treatment institutions and the qualifications of child welfare workers to be appointed under the Act.

Regulations made by the Lieutenant Governor need Cabinet approval in order to have them altered while Ministerial regulations can be changed at the discretion of the Minister.

Copies of the regulations were sent to all solicitors and judges in the province prior to July 1. They were subsequently published in the Alberta Gazette on July 15.

Time was only one of the considerations in the development of regulations prior to implementation of the legislation.

"In some areas it was appropriate to gain experience under the new legislation to assist in determining how the future regulations might be developed," Alexander explained.

In areas where regulations have not been developed, policies have been provided for guidance of staff in implementing the Act.

CWIP project manager Celeste Grad will be taking on the responsibility of monitoring the regulations and developing additional regulations.

"Consultation with department staff and external agencies and individuals was a critical element in the development of the regulations," Alexander stressed. "The department has a commitment to ongoing consultation in the development of further regulations."

THREE REGIONAL CHILDREN'S GUARDIANS APPOINTED

Social Services Minister Neil Webber has appointed three Regional Children's Guardians to look after children in the care of Alberta Social Services and Community Health. They will be based in Edmonton, Calgary and Red Deer and will report to the provincial Children's Guardian, Dr. Herbert Sohn.

John Mould will be the Regional Children's Guardian in Edmonton; Janis Gail Turner will be in charge of the Calgary Region; Christine Becker will look after the Central Region and will be based in Red Deer.

The Children's Guardians will be responsible for monitoring the care of some 4,500 children under guardianship in the child welfare delivery system to ensure that it is working in the child's best interests.

John Mould received his Master of Social Work Degree from the University of Calgary in 1975. He has been a child welfare worker, a supervisor in the Child Welfare branch, and most recently, was the Acting Assistant Director of Child Welfare in the province. Mould was president of the Alberta Association of Social Workers from 1982 to 1984.

A native of Calgary, Janis Gail Turner received her Master of Social Work Degree from Carleton University in Ottawa in 1972. She has worked as an Approved Home Supervisor with Alberta Mental Health Services, as a Vocational and Rehabilitation Counsellor with the Ontario Ministry of Community and Social Services, and most recently, as a Regional Co-ordinator with the Office of the Public Guardian in Calgary.

Christine Becker received her Bachelor of Science Degree in Psychology and Biology from the University of Calgary in 1973. She has been a Co-ordinator of Vocational Training at the Michener Centre for mentally-handicapped people in Red Deer, a Co-ordinator of the Activities Program at the Alvin Buckwold Centre for developmentally-handicapped children in Saskatoon; and most recently, served as the Regional Co-ordinator for Central Alberta with the Office of the Public Guardian in Red Deer.

Three more Regional Children's Guardians will be appointed in the coming months in the Northeastern, Northwestern and Southern regions of the province.

PUBLIC CONCERN RESULTS IN ADOPTION AMENDMENTS

Questions about the role of government in the area of private adoptions resulted in amendments to the new Child Welfare Act. Four sections from the former Act were passed as amendments in the spring sitting of the Legislature. Sections 57, 58, 59 and 62 of the new Act were not proclaimed on July 1 pending further study on the future role of the government in adoptions.

Departmental involvement in all adoptions has been retained. A director must be notified when a child is placed or received for the purposes of a private adoption. Responsibility for making all investigations and completing all court reports for adoption will remain with the department. The necessity for court hearings on all petitions has been deferred. The prohibition against advertising children or the desire for children for adoption has been reinstated and the penalty for procuring a child for adoption has been increased to $10,000.

"The amendments maintain the present role of the department in both private and departmental adoptions," commented CWIP project manager Don Alexander. "We continue to do what we've always done."

The original intent of the Act was to reduce the role of the department in adoptions by making all applicants responsible for filing their own applications for a court hearing, hiring a lawyer to represent them and, in private adoptions, retaining a qualified person to complete a report for the court. No prohibition on advertising for children for adoption purposes was contained in the new Act.

"There was public concern that if the department withdrew from all involvement with private adoptions there was no assurance the interests of the child would be adequately protected," Alexander commented. "Concern was also expressed that only those who could afford private adoptions would be able to adopt."

The number of children available for adoption is decreasing as more unwed mothers keep their babies. This decreasing number of children for adoption raises the concern they may become a commodity of financial value to adoptive parents.

"This occasionally results in doctors, lawyers and others taking an interest on behalf of people who are anxious to have a child and becoming involved in private adoptions," Alexander said.

Increasing private adoptions have prompted numerous individuals and agencies to become interested in providing private adoption services.

Issues that must be addressed concerning the role of the department in private adoptions include whether or not involvement should be limited to situations where the child is seen to be at risk, if the department should conduct all homestudies for the courts, whether private agencies or individuals should be considered to assist in providing adoption services.

If private agencies or individuals are enabled to provide adoption services, whether they should be licensed, what standards or qualifications should be required and whether their fees should be regulated are all matters to be considered, Alexander pointed out.

Additional issues include whether or not the department should attempt to control or monitor the private placement of children for adoption outside of Alberta and how involved the department should be in relative or step-parent adoptions.

"These are the types of concerns which will be addressed in the review of the role of the department in adoptions before further legislative changes are made," Alexander said.

OLD ACT STILL HAS ROLE TO PLAY

The proclamation of the new Child Welfare Act on July 1 does not mean the former Act simply passes into oblivion. Any application or proceeding that was commenced under the former Act will be concluded under the former Act.

A child who is a temporary ward under the former Act continues under temporary wardship until it is terminated, explained Denis Bell, Child Welfare Implementation Project assistant director.

"If another period of temporary care is required, the assumption is that the child would then come under a temporary guardianship order under the new Act," he said.

The former Act continues to apply to custody agreements made prior to July 1 between the Director of Child Welfare and the parent, guardian or custodian of a child until it comes up for renewal. At that time, it would be treated as a custody agreement under the new Act.

Children who were permanent wards under the former Act, automatically became the subjects of permanent guardianship orders with the proclamation of the new Act.

The new Act stipulates that all children provided with care should have case plans so the next few months will be busy ones for child welfare workers as they establish support agreements and case plans for all children under family support.

"It will take a lot of time and a lot of work," Bell acknowledged.

There has been concern expressed that the regions may not have the resources to implement the new Act.

"We are going to have to experience the Act for a period of time to determine whether the resources we have are sufficient to meet the expectations of the legislation," Bell commented.

He noted that there are features of the new Act which will offset the new requirements such as providing a great deal of services through voluntary agreements.

"We hope we will be dealing with fewer children after a period of time," he said.

COMMUNITY RESPONSE POSITIVE

Reaction to implementation of the new Child Welfare Act in the regions has been positive.

Community response in the Calgary region is almost overwhelming as municipal groups such as public health and the police as well as members of the public are asking for meetings to ensure they have a clear understanding of the Act.

"It's a struggle to meet the demand," remarked Pat Skolseg, manager of children's services for the Calgary region.

She admitted to some frustration as workers try to change their mindset from the former legislation, and said her biggest surprise is that court proceedings are going so smoothly.

"It's a credit to the workers to have understood the legislation so well," she said. Skolseg also described the judges as "very co-operative"

Art Boettcher, manager of children's services for the Northeast region, reflected similar reactions.

"The reaction to the Act has been quite favorable," Boettcher reported. "We've had very little negative feedback."

He expressed particular pleasure with the "good things you can do with families in the areas of case plans and support agreements", and said dealings with the courts have gone smoothly.

"Everything is in place to assist the regional offices," Boettcher commented. "Having the Child Welfare Implementation Project as a backup is really helpful."

"Implementation is going reasonably smoothly in the Central region," according to Ron Middlebrook, manager of children's services.

"The training provided was very positive and worthwhile, but it didn't make the workers experts," he pointed out. Middlebrook expected that once the staff gains familiarity with the forms and policy requirements the length of time spent on case administration will be lessened.

Lack of access to courts in the rural areas is also creating some difficulty in meeting the requirements of the Act, Middlebrook said.

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be provided and decisions and supporting rationale are sent to the appellant and the department in writing after the hearing is concluded. Only those directly involved in the appeal may attend the hearing and all proceedings are confidential. Appellants may speak on their own behalf or can be represented by a lawyer or other person of their choice.

Guidelines have been prepared for the operation of the Appeal Panel which stress holding hearings as soon as possible after the notice is received, and reaching a decision as quickly as possible. A quorum of three is required for the hearings, so the panel could decide to hold two hearings simultaneously depending on the location and volume of the hearings. Locations for the hearings will vary according to the residence of the appellant and others involved in the appeal.

"The nature of the Appeal Panel and its mode of operation are new in the Child Welfare system and the department looks to the results with great interest due to its potential impact," the CWIP manager commented.

While the Appeal Panel takes department policies into consideration, it is only bound by the legislation and regulations and so could conceivably take actions which contradict policy. The Appeal Panel does not dictate policy directly, but its decisions will have an impact on policy.

"In a large department like ours where a multitude of difficult and complex decisions are made affecting the lives of families, the Appeal Panel has a vital role to play in providing a second look at those decisions," Maier said.

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is published monthly by the Child Welfare Implementation Project and distributed to individuals and groups concerned with the Alberta child welfare system.

If you require additional copies of the Newsletter, or know of an individual or group that would like to receive future issues, please telephone Joyce Gariepy at 422-5187, Edmonton or write to Child Welfare Implementation Project, 9th floor, Seventh Street Plaza, 10030 - 107 St. Edmonton, Alberta T5J 3E4

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